

# **EXHIBIT A**

# MCKOOL SMITH

A PROFESSIONAL CORPORATION • ATTORNEYS

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March 14, 2008

**VIA EMAIL**

Stephen D. Riden  
Foley Ladner LLP  
111 Huntington Ave.  
Boston, MA 02199

RE: Doctors Van Damm and Kovac

Dear Mr. Riden:

I am writing to follow-up regarding timing for each doctor's document production and deposition pursuant to Judge Denlow's directives to us in open court on Wednesday.

Please let me know when doctors Van Damm and Kovac are available for deposition before the April 8 status conference with the Court. We will attempt to complete our questioning within three hours, with a reasonable extension to complete a line of questioning (the Court suggested 15-30 minutes).

As directed by the Court, we expect that the doctors will be prepared to testify to the step-by-step procedures and practices used to treat patients for wrinkles and the results achieved, to the degree of detail set forth in the claims of the patents-in-suit. If the doctor is unable to testify to this degree of detail without refreshing his recollection, the doctor should include in his production whatever documents are needed to fully refresh his recollection. If the documents needed to refresh his recollection include patient records, please redact any patient identification information or information relating to non-wrinkle treatments.

Also, please let us know when you plan to produce the following documents discussed with the Court on Wednesday, as well as any documents you agreed to produce in advance of the hearing:

- All marketing materials and communications with anyone, other than patient files, teaching or otherwise discussing the use of the Accused Palomar Products for treating wrinkles;
- Any documents, other than patient files, showing the number of times that the Accused Palomar Products have been used with patients for treating wrinkles;
- Any documents, other than patient files, evaluating or discussing the results achieved using the Accused Palomar Products for treating wrinkles; and

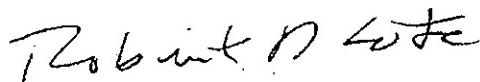
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- Any documents, other than patient files, discussing the doctor's procedures and for using the Accused Palomar Products for treating wrinkles.

For the status conference, I will plan to call you at your office number (unless you indicate otherwise) on April 8 shortly before 10:15 a.m., and then dial the number the Court gave us. If, after reviewing the document productions and completing our depositions using the time currently allocated, we determine that a status conference is no longer needed, we will inform you and the Court accordingly.

Sincerely,



Robert Cote

RAC:tl